

REMARKS

The Office Action of March 8, 2006 has been received and carefully considered. However, Applicant respectfully traverses the rejections under 35 U.S.C. 112, first paragraph and second paragraph, and submits the following remarks. All claims are now present for examination and favorable reconsideration is respectfully requested in view of the following comments.

REJECTIONS UNDER 35 U.S.C. § 112 FIRST PARAGRAPH:

Claims 1 – 9, 11 and 12 have been rejected under 35 U.S.C. § 112, first paragraph, as allegedly failing to comply with the enablement requirement.

It is respectfully submitted that the pending claims properly comply with the enablement requirement. It is note that the Examiner's rejection is directed to the allegation that there is no description regarding HOW to relate the responses to the questionnaire to the measured items, or how the measured items are used to evaluate the supply chain performance. More specifically, the Examiner alleged that the current specification does not teach the reader how to use the results obtained in the questionnaire to evaluate the supply chain performance.

Applicant respectfully submits that the 26 measured items are descriptive, and a person of ordinary skill in the related art of supply chain performance can immediately utilize the response to each of the items to evaluate the performance. How the performance is evaluated will be determined by the application environment, and the person who carried out the evaluation. For example, it is typical in a questionnaire to set a value of 1 to 5 for the level of satisfaction, with 1 representing "very satisfactory" and 5 representing "very poor". Of course, the person skilled in the art is allowed to switch the values, that is with 5 representing "very satisfactory" and 1 representing "very poor". It is also known that the level of satisfaction can be assigned with any values desired, for example, 1 to 100. The person skilled in the art can then use these values to evaluate the

supply chain performance according to the teachings on pages 9 – 16 of the specification. Therefore, the rejection based on failing to satisfy the enablement requirement is incorrect.

Applicant further submits that the questionnaire is, in fact, an enabling mechanism that makes it possible for users to evaluate their supply chain performance in the context of transport logistics. The tool, in the form of questionnaire, consists of both a method and an instrument, which has been “empirically validated” to form a self-diagnostic tool to measure supply chain performance in transport logistics (specified in the transport logistics context, not related to generic logistics or supply chain performance parameters). The 26 measurement items, in the form of questionnaire, are the enabling mechanism themselves for any person in transport logistics to use for evaluating transport logistics. The present invention is to offer a classification scheme of supply chain performance in transport logistics that consists of three dimensions, i.e., SES, OE and SEC, whereas each dimension consists of two sub-dimensions, and use the 26 validated questionnaire items as the instrument to evaluate the different dimensions and sub-dimensions of supply chain performance in logistics transport. The classification of supply chain performance in transport logistics at different dimension levels, together with the 26 validated questionnaire items, provides an enabling structure to deploy the 26 items for evaluating supply chain performance in transport logistics at different levels of abstraction of supply chain performance in transport logistics. The classification of the different dimensions of supply chain performance in transport logistics provides a structure for using the 26 questionnaire items as a self-diagnostic tool, i.e. a method and an instrument, for evaluating the different dimensions of SCP in transport logistics. It is respectfully submitted that a person of ordinary skill in the art is able to make and use the present invention as claimed based on the disclosure of the specification.

Therefore, the rejection under 35 U.S.C. § 112, first paragraph has been overcome. Accordingly, withdrawal of the rejections under 35 U.S.C. § 112, first paragraph, is respectfully requested.

REJECTIONS UNDER 35 U.S.C. § 112 SECOND PARAPGRAPH:

Claims 1 – 9, 11 and 12 have been rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 1 – 9, 11 and 12 have been rejected under 35 U.S.C. § 112, second paragraph, as allegedly being incomplete for omitting essential elements.

It is respectfully submitted that the pending claims particularly point out and distinctly claim the subject matter which applicant regards as the invention and no omitting essential element is omitted. More specifically, Claims 1 and 11 clearly indicates that “an instrument ... including a plurality of measurement items wherein said items are divided into at least the dimension of service effectiveness for shippers, service effectiveness for consignees and operations efficiency for transport logistics providers...” It is respectfully submits that the structure of the elements of the present invention is clear to a person of ordinary skill in the art of supply chain management. For example, the structure of the measurement items are divided according to the dimension of service effectiveness for shippers, service effectiveness for consignees and operations efficiency for transport logistics providers.

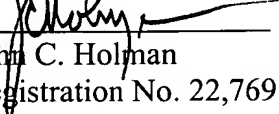
Therefore, the rejection under 35 U.S.C. § 112, second paragraph, has been overcome. Accordingly, withdrawal of the rejections under 35 U.S.C. § 112, second paragraph, is respectfully requested.

Having overcome all outstanding grounds of rejection, the application is now in condition for allowance, and prompt action toward that end is respectfully solicited.

Respectfully submitted,

JACOBSON HOLMAN PLLC

Date: July 19, 2006
(202) 638-6666
400 Seventh Street, N.W.
Washington, D.C. 20004
Atty. Dkt. No.: P69237US0

By 
John C. Holman
Registration No. 22,769